

REMARKS

This application has been carefully reviewed in light of the Office Action mailed March 9, 2006. Claims 11-19, 41-45, 57-65, 68 and 71 are pending in this application. Claims 67 and 72 have been canceled without prejudice or disclaimer of subject matter; those claims will not be mentioned further. Claims 11, 12, 15, 16, 41, 42, 57, 58, 62, 64, 68 and 71 have been amended to define still more clearly what Applicants regard as their invention. Claims 11, 15, 41, 57, 68 and 71 are in independent form. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claim 68 was objected to as being a substantial duplicate of Claim 15. Claim 68 has now been rewritten as an independent claim directed to a program embodied in a computer-readable storage medium. Since Claim 15 is directed to a method, Applicants submit that Claims 15 and 68 clearly are not duplicative (although Applicants do not concede that they were duplicative before this Amendment). Accordingly, withdrawal of the objection to Claim 68 is respectfully requested.

Claims 11-19, 41-45, 57-65, 68 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,075,905 (Herman et al.) in view of U.S. Patent 5,325,449 (Burt et al.).

As explained in the specification,^{1/} the present invention is concerned with providing a fast and efficient way to generate a mosaic image from material images. The amount of processing required to generate such an image can be formidable, particularly where the material image being processed is very high in resolution. Where the processing

^{1/} It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

must be performed over a network, the transfer of the large amounts of data involved causes further problems, in occupying the network resources to an undesirable extent.

Independent Claim 11 is directed to an image processing method in a image processing system that includes an image processing apparatus which combines material images to generate a mosaic image in imitation of an original image and an image storage apparatus. The method comprises holding first information including a characteristic quantity of each of a plurality of material images by the image processing apparatus, the first information corresponds to each of the plurality of material images and has an amount of information less than that of each of the plurality of material images. Selected material images and their positions are determined according to an original image and the first information by the image processing apparatus, and the plurality of material images are stored in the image storage apparatus. The selected material images determined in the determining step are then outputted out of the plurality of material images stored in the storage apparatus according to the position determined in the determining step.

Herman relates to a system for a generation of an image mosaic having the broader range by correlating source images having overlapping area and combining the source images so as to remove seams between combined source images (show Fig. 7). The technique of *Herman* can be applied to form, for example, a panoramic picture based upon pictures having narrow angle of view. In other words, *Herman* approach combines a picture having a scene and other picture having a scene adjacent to the scene in the former picture to enlarge the picture. It should be noted that nothing in *Herman* corresponds to the original image referred to in Claim 11. Thus, the mosaic image is not formed in imitation of the original image. Furthermore, the source images to be combined must be associated with each other in *Herman*.

In contrast, the method of Claim 11 is a method/ that forms a mosaic image in imitation of an original image. The material images referred to above need not be associated with each other. For example, the claimed method can use collected pictures having no relation to each other as the material images and generate a mosaic image by combining mosaic tiles, i.e., the material images. The material images to be combined correspond to enlarged pixels that forms the mosaic image.

Thus, first, according to Claim 11, the image processing apparatus combines material images to generate a mosaic image in imitation of an original image. In addition, the step of “holding first information including a characteristic quantity of each of a plurality of material images by the image processing apparatus, the first information corresponds to each of the plurality of material images and has an amount of information less than that of each of the plurality of material images” is believed not to be taught or suggested by anything in *Herman*.

For all these reasons, Claim 11 is believed to be clearly allowable over *Herman*, taken alone.

Burt relates to a method forming a composite image from two or more source images. Even if *Burt* is assumed to disclose all that it is cited for, however, such would not supply what is missing from *Herman* as a reference against Claim 11. In particular, nothing has been found in *Burt* that would teach or suggest the mentioned features of Claim 11. Even assuming the proposed combination of *Burt* with *Herman* would be a proper one, therefore, the result would not meet th terms of Claim 11.

Similarly, independent Claim 15 is directed to an image processing method for selecting a material image from a plurality of material images stored in a image storage apparatus and then combining the selected material images to generate a mosaic image in

imitation of an original image, according to a characteristic of an original image. The method of Claim 15 comprises holding information including a characteristic of each of the plurality of material images, determining selected material images according to the original image and the information, and outputting information indicating the selected material images determined in the determining step to the image storage apparatus.

Claim 15 is believed to be allowable over *Burt* and *Herman*, taken separately or in any permissible combination (if there is any) for largely the same reasons as those advanced above with regard to Claim 11.

The other independent claims are each respectively an apparatus, system or a program claim corresponding to one or the other of method Claims 11 and 15, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

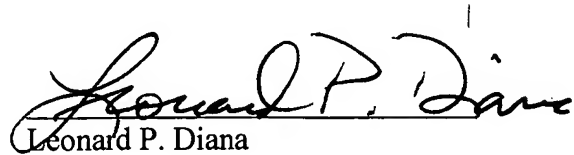
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable consideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, reading "Leonard P. Diana". The signature is written in a cursive style with a horizontal line underneath the name.

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